

CALIFORNIA CODE OF REGULATIONS, TITLE 10, CHAPTER 5, SUBCHAPTER 1

ADOPT ARTICLE 13 TO READ:

ARTICLE 13 FORM OF APPLICATION FOR TITLE MARKETING REPRESENTATIVE  
CERTIFICATE OF REGISTRATION

Section 2194.50. Definitions.

As used in this article:

- (a) The term “title marketing representative” has the meaning set forth in subdivision (b) of Insurance Code section 12418. “Representative” means “title marketing representative,” as defined in the preceding sentence.
- (b) The term "company" means a title insurer, an underwritten title company or a controlled escrow company.
- (c) The terms “employment” and “employ” signify any arrangement whereby a representative is authorized to work for a company.
- (d) The Department of Insurance is referred to herein as the “Department.”
- (e) “Live Scan” is a service provided by vendors authorized by the California Department of Justice whereby fingerprint impressions are electronically scanned and processed in order to perform a criminal record check.
- (f) “Live Scan vendor” means any organization identified from time to time by the California Department of Justice as being authorized to collect Live Scan fingerprint impressions. It is possible to locate a Live Scan vendor by contacting the California Department of Justice. It is also possible to schedule an appointment with the Department’s contracted Live Scan vendor located at the Department’s examination sites; the contact information for the Department’s contracted Live Scan vendor can be obtained from the Department’s Producer Licensing Bureau.
- (g) An “Automated Transaction Identifier” or “ATI” is a character string that is provided by a Live Scan vendor to an applicant whose fingerprint impressions the vendor has scanned and that is used to record, identify and track the applicant’s fingerprint data.

NOTE: Authority cited: Sections 12404, 12418, 12418.1, 12418.2, 12418.3, 12418.4, Insurance Code; *CalFarm Ins. Co. v. Deukmejian*, 48 Cal.3d 805 (1989); *20th Century Ins. Co. v. Garamendi*, 8 Cal. 4th 216 (1994). Reference: Sections 12404, 12418, 12418.1, 12418.2, 12418.3, 12418.4, Insurance Code.

Section 2194.51. Certification.

(a)(1) In order to be employed as a representative, a person must apply to the commissioner to receive a certificate of registration. An applicant must initiate his or her application for a title marketing representative certificate of registration by completing the online application at the Department's website: [www.insurance.ca.gov](http://www.insurance.ca.gov). The information the applicant must provide when completing the online application is specified in subdivision (a) of Section 2194.55.

(2) Within five working days after the applicant submits the online application, the company that is to employ the applicant must use the Department's online business entity services referenced in subdivision (c) of Section 2194.55 to notify the Department that the applicant is or will be employed by the company.

(3)(A) The applicant must acknowledge in writing any notification sent within 30 days after the date an applicant completes the online application by the Department concerning an application that is deficient or incomplete, and must do so within 15 calendar days of the date the notification is delivered to the applicant. If the applicant does not so respond within this 15-day period, the applicant's application shall be deemed to be incomplete, shall not be accepted for filing with the Department, and shall be deemed not to be a pending application. In such an event, the applicant's authority to operate on a provisional basis as described in subdivision (b) of this Section 2194.51 shall be automatically suspended, without notice to the applicant or further action by the Department.

(B) If in a written notification sent within 30 days after the date an applicant completes the online application the Department requests that the applicant provide an ATI assigned to the applicant by a Live Scan Vendor, the applicant must provide the ATI in the acknowledgement or response required by subparagraph (a)(3)(A) above. If the applicant fails to provide the ATI, or provides an invalid ATI, in response to the notification sent by the Department's, the applicant's application shall be deemed to be incomplete, shall not be accepted for filing with the Department, and shall be deemed not to be a pending application. In such an event the applicant's authority to operate on a provisional basis as described in subdivision (b) of this Section 2194.51 shall be automatically suspended, without notice to the applicant or further action by the Department. The preceding sentence shall be given full force and effect, the timeliness of the applicant's acknowledgement or response pursuant to subparagraph (a)(3)(A) of this Section 2194.51 notwithstanding.

(C) In a written notification sent to an applicant within 30 days after the date the applicant completes the online application the Department may identify as necessary in order to complete, or remedy a deficiency in, the applicant's application such information or documents as are required pursuant to this article. If the Department does not receive any item of information or any document identified in its written notification on or before the date by which the applicant's acknowledgement or response is required to be received pursuant to subparagraph (a)(3)(a) of this Section 2194.51, the applicant's application shall be deemed to be incomplete, shall not be accepted for filing with the Department, and shall be deemed not to be a pending application. In such an event, the applicant's authority to operate on a provisional basis as described in subdivision (b) of this Section 2194.51 shall be automatically suspended, without notice to the

applicant or further action by the Department. The preceding sentence shall be given full force and effect, the timeliness of the applicant's acknowledgement or response pursuant to subparagraph (a)(3)(A) of this Section 2194.51 notwithstanding. The following information and documents may be required pursuant to this subparagraph (a)(3)(C):

1. The company's notification of employment required pursuant to paragraph (a)(2) of this Section 2194.51, if the Department has not received such notification.

2. A copy of the applicant's authorization to work in the United States, if required by paragraph (a)(8) of Section 2194.55.

3.a. The written statement, with original signature, specified in subparagraph (a)(11)(A) of Section 2194.55, if required by that subparagraph.

b. Copies of all correspondence sent by the applicant in order to obtain certified copies of the documents specified in subparagraph (a)(11)(A) of Section 2194.55, if such documents are required by that paragraph. However, in lieu of copies of his or her correspondence as specified in the preceding sentence, the applicant may submit the certified copies of the charging documents and court documents that are required by subparagraph (a)(11)(A) of Section 2194.55.

4.a. The written statement, with original signature, specified in subparagraph (a)(11)(B) of Section 2194.55, if required by that subparagraph.

b. Copies of all correspondence sent by the applicant in order to obtain certified copies of the documents specified in subparagraph (a)(11)(B) of Section 2194.55, if such documents are required by that subparagraph. However, in lieu of copies of his or her correspondence as specified in the preceding sentence, the applicant may submit the certified copies of the charging documents and court documents that are required by subparagraph (a)(11)(B) of Section 2194.55.

5.a. The written statement, with original signature, specified in subparagraph (a)(11)(C) of Section 2194.55, if required by that subparagraph.

b. Copies of all correspondence sent by the applicant in order to obtain certified copies of the documents specified in subparagraph (a)(11)(C) of Section 2194.55, if such documents are required by that subparagraph. However, in lieu of copies of his or her correspondence as specified in the preceding sentence, the applicant may submit the certified copies of the charging documents and court documents that are required by subparagraph (a)(11)(C) of Section 2194.55.

6.a. The written statement, with original signature, specified in subparagraph (a)(11)(D) of Section 2194.55, if required by that subparagraph.

b. Copies of all correspondence sent by the applicant in order to obtain certified copies of the documents specified in subparagraph (a)(11)(D) of Section 2194.55, if such documents are

required by that subparagraph. However, in lieu of copies of his or her correspondence as specified in the preceding sentence, the applicant may submit the certified copies of the charging documents and court documents that are required by subparagraph (a)(11)(D) of Section 2194.55.

7.a. The written statement, with original signature, specified in subparagraph (a)(11)(E) of Section 2194.55, if required by that subparagraph.

b. Copies of all correspondence sent by the applicant in order to obtain certified copies of the documents specified in subparagraph (a)(11)(E) of Section 2194.55, if such documents are required by that subparagraph. However, in lieu of copies of his or her correspondence as specified in the preceding sentence, the applicant may submit the certified copies of the charging documents that are required by subparagraph (a)(11)(E) of Section 2194.55.

8.a. The written statement, with original signature, specified in subparagraph (a)(11)(F) of Section 2194.55, if required by that subparagraph.

b. Copies of all correspondence sent by the applicant in order to obtain certified copies of the documents specified in subparagraph (a)(11)(F) of Section 2194.55, if such documents are required by that subparagraph. However, in lieu of copies of his or her correspondence as specified in the preceding sentence, the applicant may submit the certified copies of the Notices of Hearing and other documents that are required by subparagraph (a)(11)(F) of Section 2194.55.

9.a. The written statement, with original signature, specified in subparagraph (a)(11)(G) of Section 2194.55, if required by that subparagraph.

b. Copies of all correspondence sent by the applicant in order to obtain certified copies of the documents specified in subparagraph (a)(11)(G) of Section 2194.55, if such documents are required by that subparagraph. However, in lieu of copies of his or her correspondence as specified in the preceding sentence, the applicant may submit the certified copies of the Notices of Hearing or other documents that are required by subparagraph (a)(11)(G) of Section 2194.55.

10. The written statement, with original signature, specified in subparagraph (a)(11)(H) of Section 2194.55, if required by that subparagraph.

11.a. The written statement, with original signature, specified in subparagraph (a)(11)(J) of Section 2194.55, if required by that subparagraph.

b. Copies of all correspondence sent by the applicant in order to obtain copies of the documents specified in subparagraph (a)(11)(J) of Section 2194.55, if such documents are required by that subparagraph. However, in lieu of copies of his or her correspondence as specified in the preceding sentence, the applicant may submit the copies of the Petition, Complaint or other document that commenced the lawsuit or arbitration, and the copy of any official document demonstrating the resolution of the charges or any final judgment, that are required by subparagraph (a)(11)(J) of Section 2194.55.

12. The written statement, with original signature, specified in subparagraph (a)(11)(K) of Section 2194.55, if required by that subparagraph.

(D) In the event that the authority of the applicant to operate on a provisional basis has more than once been suspended pursuant to this Section 2194.51, the applicant shall never again be permitted to operate as a representative on a provisional basis.

(4) A certificate of registration will be valid from the date of issuance up to and including the last day of the month in which the three-year anniversary of the issuance date falls. The certificate of registration will expire on the first day of the following month (hereinafter the “certificate expiration date”), unless it is renewed at that time.

(b) An applicant who has completed the online application identified in subdivision (a) above shall, pursuant to Insurance Code section 12418.1, be permitted to operate as a representative on a provisional basis, beginning from the date the applicant completes the online application and continuing until either the applicant’s authority to operate as a representative on a provisional basis is suspended pursuant to this article or the certificate of registration is issued or denied. However, an applicant who has had a certificate of registration denied, revoked, suspended or otherwise limited shall never be permitted to operate as a representative on a provisional basis.

(c) Only a holder of a valid certificate of registration or an applicant permitted to operate on a provisional basis pursuant to subdivision (b) of this Section 2194.51 may operate as a representative.

NOTE: Authority cited: Sections 12404, 12418, 12418.1, 12418.2, 12418.3, 12418.4, Insurance Code; *CalFarm Ins. Co. v. Deukmejian*, 48 Cal.3d 805 (1989); *20th Century Ins. Co. v. Garamendi*, 8 Cal. 4th 216 (1994). Reference: Sections 12404, 12418, 12418.1, 12418.2, 12418.3, 12418.4, Insurance Code.

#### Section 2194.52. Fees.

(a) An application fee of \$200 shall be paid online in order to complete the online application referenced in paragraph (a)(1) of Section 2194.51.

(b) The fee to be paid to the Department pursuant to subdivision (a) of this Section 2194.52 must be paid online using one of the following major credit cards: VISA, MasterCard, and American Express.

(c) No application for which the Department does not receive electronic payment of the appropriate fee or fees as specified in this Section 2194.52 shall under any circumstances be accepted for filing.

(d) The applicant is responsible for paying to the Live Scan vendor both the vendor’s rolling fee and the criminal history processing fees collected by the California Department of Justice and the Federal Bureau of Investigation.

NOTE: Authority cited: Sections 12404, 12418, 12418.1, 12418.2, 12418.3, 12418.4, Insurance Code; *CalFarm Ins. Co. v. Deukmejian*, 48 Cal.3d 805 (1989); *20th Century Ins. Co. v. Garamendi*, 8 Cal. 4th 216 (1994). Reference: Sections 12404, 12418, 12418.1, 12418.2, 12418.3, 12418.4, Insurance Code.

#### Section 2194.3. Training.

(a) An officer of the company that employs or will employ an applicant for a title marketing representative certificate of registration shall retain a written statement, signed by the officer, certifying that the applicant will be provided training regarding Article 6 (commencing with Section 12404) of Chapter 1 of Part 6 of Division 2 of the Insurance Code, as amended. The signed statement required by the preceding sentence shall be deemed to be part of the applicant's online application. The text of this signed statement shall read as follows: "I certify under penalty of perjury, under the laws of the State of California, that all applicants submitted for employment will be provided training regarding Article 6 (commencing with Section 12404) of the Insurance Code within 60 days of the hiring date or of date of his or her application, whichever is later" and shall be submitted as part of the online notice of employment referenced in subdivision (c) of Section 2194.55.

NOTE: Authority cited: Sections 12404, 12418, 12418.1, 12418.2, 12418.3, 12418.4, Insurance Code; *CalFarm Ins. Co. v. Deukmejian*, 48 Cal.3d 805 (1989); *20th Century Ins. Co. v. Garamendi*, 8 Cal. 4th 216 (1994). Reference: Sections 12404, 12418, 12418.1, 12418.2, 12418.3, 12418.4, Insurance Code.

#### Section 2194.54. Fingerprinting.

(a) All applicants who submit a title marketing representative application are required to submit fingerprint impressions by following the procedure specified below.

(1) The applicant must obtain hardcopy of the Department's Live Scan request form either from the Department's contracted Live Scan vendor, in the event the applicant has made an appointment with that vendor, or by downloading and printing the form from the Department's website: [insurance.ca.gov](http://insurance.ca.gov).

(2) The applicant must complete the applicants' portion of the Department's Live Scan request form by providing on the form the information specified in subdivision (b) of Section 2194.55.

(3) The applicant must present to a Live Scan vendor the completed Live Scan request form and obtain from that vendor the requisite fingerprint impression services.

(4) The applicant must retain indefinitely the information that will be provided on the Department's Live Scan request form by the Live Scan vendor, including but not limited to the ATI.

- (b) Live Scan impressions obtained without providing the Department's Live Scan request form to the Live Scan vendor will not satisfy the requirements of this Section 2194.54, and any ATI provided by a Live Scan vendor to which the applicant did not submit the Department's Live Scan request form at the time of fingerprinting will be deemed invalid for purposes of subparagraph (a)(3)(B) of Section 2194.51.

NOTE: Authority cited: Sections 12404, 12418, 12418.1, 12418.2, 12418.3, 12418.4, Insurance Code; *CalFarm Ins. Co. v. Deukmejian*, 48 Cal.3d 805 (1989); *20th Century Ins. Co. v. Garamendi*, 8 Cal. 4th 216 (1994). Reference: Sections 12404, 12418, 12418.1, 12418.2, 12418.3, 12418.4, Insurance Code.

#### Section 2194.55. Prescribed Form of Application.

- (a) In order to complete the online application, the applicant shall provide the following information:
- (1) Application type. The "application type" of the application to be completed by an applicant for a title marketing a representative certificate of registration is "certificate."
  - (2) License type. The license type that must be selected in order to apply for a title marketing representative certificate of registration is Title Marketing Representative.
  - (3) Full legal name.
  - (4) Residence, business, mailing and email addresses. The business and mailing addresses specified by the applicant are matters of public record and shall be available to the public.
  - (5) Gender.
  - (6) Social security number.
  - (7) Date of birth.
  - (8) Country of citizenship. In addition to completing the online application, an applicant indicating on the online application that he or she is not a citizen of the United States must submit to the Department's Producer Licensing Bureau a copy of his or her authorization to work in the United States.
  - (9) Employment history for the previous five years. The applicant must enter the name of each employer, the month and year employment began, the month and year employment ended, and the position held for all employment experiences starting with their current employer and continuing in reverse chronological order through the date that is five years before the date the online application is being completed. The applicant must include any and all full-time employment, part-time employment, self-employment, military service, periods of unemployment, and periods during which the applicant was a full-time student.
  - (10) Past licensing history. The applicant must account for all current and past insurance licenses he or she has held as a resident or as a non-resident in California or in any other state. For each such license, the applicant must indicate the license type, the state or province that issued the license, the period of time during which the license was or has been held, and whether or not the license is currently in force.
  - (11) Background information. The applicant must answer "yes" or "no" to the following background questions on the online application:

(A) Have you ever been convicted of a felony?

1. The online application will advise the applicant as follows: “For the purpose of this application, you have been “convicted” if you were ever found guilty by verdict of a judge or jury; and/or ever entered a plea of guilty, nolo contendere or no contest. You must disclose all convictions, even if the charges were later dismissed or expunged, your guilty plea was withdrawn pursuant to Penal Code Section 1203.4, or you were placed on probation, received a suspended sentence or just ordered to pay a fine. If you fail to disclose all convictions, your application may be denied. You may exclude juvenile offenses tried in juvenile court.”

2. If the answer to the above background question is “Yes,” the applicant, in addition to completing the online application, must submit to the Department’s Producer Licensing Bureau:

- a. a written statement, with original signature, explaining the circumstances of each conviction or charge; and
- b. certified copies of the charging documents, and of the court documents which detail the conviction, resolution of the charges, probation and any final judgment.

An applicant who is required to submit any such certified copy but who does not have it at his or her disposal must retain for his or her records copies of the correspondence the applicant sends to the court or other source of documents in order to obtain the required certified copy. Failure to provide to the Department either copies of this correspondence, or the required certified copies of the charging documents and court documents, upon the Department’s request shall result in the applicant’s application being deemed incomplete and the suspension of the applicant’s authority to operate as a representative on a provisional basis. The online application will advise the applicant of the requirement that, unless and until the required certified copies of the charging documents and court documents are in his or her possession, the applicant must retain copies of this correspondence and that the applicant may lose his or her provisional authority if he or she fails to furnish such copies upon request.

(B) Have you ever been convicted of a felony involving dishonesty or breach of trust?

1. a. The online application will advise the applicant as follows: Federal law (18 U.S.C. 1033) prohibits anyone who has been convicted of a felony involving dishonesty or a breach of trust or who has been convicted of any violation of 18 U.S.C. 1033 from conducting the business of insurance unless they have obtained the written consent of the Insurance Commissioner. It is a violation of this statute to conduct business of insurance without the Commissioner’s written consent. If you have been convicted of a felony involving dishonesty or a breach of trust or a violation of 18 U.S.C. 1033, you must attach a copy of this consent. If you have not obtained this written consent you must do so prior to filing your application.

b. If the answer to the above background question is “Yes,” the applicant must further answer “yes” or “no” to the following question: “Have you received consent from the Insurance Commissioner?”

2. a. The online application will advise the applicant as follows: “For the purpose of this application, you have been “convicted” if you were ever found guilty by verdict of a judge or jury; and/or ever entered a plea of guilty, nolo contendere or no contest. You must disclose all convictions, even if the charges were later dismissed or



expunged, your guilty plea was withdrawn pursuant to Penal Code Section 1203.4, or you were placed on probation, received a suspended sentence or just ordered to pay a fine. If you fail to disclose all convictions, your application may be denied. You may exclude juvenile offenses tried in juvenile court.”

b. If the answer to the question “Have you ever been convicted of a felony involving dishonesty or breach of trust?” is “Yes,” the applicant, in addition to completing the online application, must submit to the Department’s Producer Licensing Bureau:

A. a written statement, with original signature, explaining the circumstances of each conviction or charge; and

B. certified copies of the charging documents, and of the court documents which detail the conviction, resolution of the charges, probation and any final judgment.

An applicant who is required to submit any such certified copy but who does not have it at his or her disposal must retain for his or her records copies of the correspondence the applicant sends to the court or other source of documents in order to obtain the required certified copy. Failure to provide to the Department either copies of this correspondence, or the required certified copies of the charging documents and court documents, upon the Department’s request shall result in the applicant’s application being deemed incomplete and the suspension of the applicant’s authority to operate as a representative on a provisional basis. The online application will advise the applicant of the requirement that, unless and until the required certified copies of the charging documents and court documents are in his or her possession, the applicant must retain copies of this correspondence and that the applicant may lose his or her provisional authority if he or she fails to furnish such copies upon request.

(C) Have you ever been convicted of a misdemeanor?

1. The online application will advise the applicant as follows: “For the purpose of this application, you have been “convicted” if you were ever found guilty by verdict of a judge or jury; and/or ever entered a plea of guilty, nolo contendere or no contest. You must disclose all convictions, even if the charges were later dismissed or expunged, your guilty plea was withdrawn pursuant to Penal Code Section 1203.4, or you were placed on probation, received a suspended sentence or just ordered to pay a fine. If you fail to disclose all convictions, your application may be denied. You may exclude juvenile offenses tried in juvenile court.”

2. If the answer to the above background question is “Yes,” the applicant, in addition to completing the online application, must submit to the Department’s Producer Licensing Bureau:

a. a written statement, with original signature, explaining the circumstances of each conviction or charge; and

b. certified copies of the charging documents, and of the court documents which detail the conviction, resolution of the charges, probation and any final judgment.

An applicant who is required to submit any such certified copy but who does not have it at his or her disposal must retain for his or her records copies of the correspondence the applicant sends to the court or other source of documents in order to

obtain the required certified copy. Failure to provide to the Department either copies of this correspondence, or the required certified copies of the charging documents and court documents, upon the Department's request shall result in the applicant's application being deemed incomplete and the suspension of the applicant's authority to operate as a representative on a provisional basis. The online application will advise the applicant of the requirement that, unless and until the required certified copies of the charging documents and court documents are in his or her possession, the applicant must retain copies of this correspondence and that the applicant may lose his or her provisional authority if he or she fails to furnish such copies upon request.

(D) Have you ever been convicted of a military offense?

1. The online application will advise the applicant as follows: "For the purpose of this application, you have been "convicted" if you were ever found guilty by verdict of a judge or jury; and/or ever entered a plea of guilty, nolo contendere or no contest. You must disclose all convictions, even if the charges were later dismissed or expunged, your guilty plea was withdrawn pursuant to Penal Code Section 1203.4, or you were placed on probation, received a suspended sentence or just ordered to pay a fine. If you fail to disclose all convictions, your application may be denied. You may exclude juvenile offenses tried in juvenile court."

2. If the answer to the above background question is "Yes," the applicant, in addition to completing the online application, must submit to the Department's Producer Licensing Bureau:

- a. a written statement, with original signature, explaining the circumstances of each conviction or charge; and
- b. certified copies of the charging documents, and of the court documents which detail the conviction, resolution of the charges, probation and any final judgment.

An applicant who is required to submit any such certified copy but who does not have it at his or her disposal must retain for his or her records copies of the correspondence the applicant sends to the court or other source of documents in order to obtain the required certified copy. Failure to provide to the Department either copies of this correspondence, or the required certified copies of the charging documents and court documents, upon the Department's request shall result in the applicant's application being deemed incomplete and the suspension of the applicant's authority to operate as a representative on a provisional basis. The online application will advise the applicant of the requirement that, unless and until the required certified copies of the charging documents and court documents are in his or her possession, the applicant must retain copies of this correspondence and that the applicant may lose his or her provisional authority if he or she fails to furnish such copies upon request.

(E) Are you currently charged with committing a crime?

1. The online application will advise the applicant as follows: "'Crime' includes a felony, a misdemeanor or a military offense. You may exclude traffic citations but must include driving offenses such as, but not limited to, reckless driving, driving under the influence and driving with a suspended license."

2. If the answer to the above background question is "Yes," the applicant, in addition to completing the online application, must submit to the Department's Producer Licensing Bureau:

- a. a written statement, with original signature, explaining the circumstances of each charge; and
- b. certified copies of the charging documents.

An applicant who is required to submit any such certified copy but who does not have it at his or her disposal must retain for his or her records copies of the correspondence the applicant sends to the court or other source of documents in order to obtain the required certified copy. Failure to provide to the Department either copies of this correspondence, or the required certified copies of the charging documents, upon the Department's request shall result in the applicant's application being deemed incomplete and the suspension of the applicant's authority to operate as a representative on a provisional basis. The online application will advise the applicant of the requirement that, unless and until the required certified copies of the charging documents are in his or her possession, the applicant must retain copies of this correspondence and that the applicant may lose his or her provisional authority if he or she fails to furnish such copies upon request.

(F) Have you ever been involved in an administrative proceeding (including matters with the Department of Insurance) regarding any professional or occupational license?

1. The online application will advise the applicant as follows: "Involved" means having a license censured, suspended, revoked, cancelled, terminated; or being assessed a fine, placed on probation or surrendering a license to resolve an administrative action. 'Involved' also means being named a party to an administrative or arbitration proceeding which is related to a professional or occupational license. 'Involved' also means having a license application denied or the act of withdrawing an application to avoid denial. You may exclude terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee."

2. If the answer to the above background question is "Yes," the applicant, in addition to completing the online application, must submit to the Department's Producer Licensing Bureau:

- a. a written statement, with original signature, explaining the circumstances of each disciplinary incident; and
- b. certified copies of the Notices of Hearing or other documents that state the charges and allegations, and of the documents which demonstrate the resolution of the charges or any final judgment.

An applicant who is required to submit any such certified copy but who does not have it at his or her disposal must retain for his or her records copies of the correspondence the applicant sends to the court or other source of documents in order to obtain the required certified copy. Failure to provide to the Department either copies of this correspondence, or the required certified copies of the Notices of Hearing and other documents, upon the Department's request shall result in the applicant's application being deemed incomplete and the suspension of the applicant's authority to operate as a representative on a provisional basis. The online application will advise the applicant of the requirement that, unless and until the required certified copies of the Notices of Hearing and other documents are in his or her possession, the applicant must retain copies of this correspondence and that the applicant may lose his or her provisional authority if he or she fails to furnish such copies upon request.

(G) Has any business in which you were an owner, partner, officer or director ever been involved in an administrative proceeding (including matters with the Department of Insurance) regarding any professional or occupational license?

1. The online application will advise the applicant as follows: “‘Involved’ means having a license censured, suspended, revoked, cancelled, terminated; or being assessed a fine, placed on probation or surrendering a license to resolve an administrative action. ‘Involved’ also means being named a party to an administrative or arbitration proceeding which is related to a professional or occupational license. ‘Involved’ also means having a license application denied or the act of withdrawing an application to avoid denial. You may exclude terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.”

2. If the answer to the above background question is “Yes,” the applicant, in addition to completing the online application, must submit to the Department’s Producer Licensing Bureau:

- a. a written statement, with original signature, explaining the circumstances of each disciplinary incident; and
- b. certified copies of the Notices of Hearing or other documents that state the charges and allegations, and of any documents which demonstrate the resolution of the charges or any final judgment.

An applicant who is required to submit any such certified copy but who does not have it at his or her disposal must retain for his or her records copies of the correspondence the applicant sends to the court or other source of documents in order to obtain the required certified copy. Failure to provide to the Department either copies of this correspondence, or the required certified copies of the Notices of Hearing or other documents, upon the Department’s request shall result in the applicant’s application being deemed incomplete and the suspension of the applicant’s authority to operate as a representative on a provisional basis. The online application will advise the applicant of the requirement that, unless and until the required certified copies of the Notices of Hearing or other documents are in his or her possession, the applicant must retain copies of this correspondence and that the applicant may lose his or her provisional authority if he or she fails to furnish such copies upon request.

(H) Has any demand been made or judgment rendered against you for any overdue monies by an insurer, insured, or producer, or have you ever been subject to a bankruptcy proceeding?

1. The online application will advise the applicant as follows: “Include only bankruptcies that involve funds held on behalf of others.”

2. If the answer to the above background question is “Yes,” the applicant, in addition to completing the online application, must submit to the Department’s Producer Licensing Bureau a statement, with an original signature, summarizing the details of the indebtedness and arrangements for repayment, and/or type and location of bankruptcy.

(I) Have you ever been notified by any jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement?

If the answer to the above question is “Yes,” the applicant must identify all such jurisdictions on the online application.

(J) Are you currently a party to or have you ever been found liable in any lawsuit or arbitration proceeding involving allegations of fraud, misappropriation or conversion of funds, misrepresentation or breach of fiduciary duty?

1. If the answer to the above question is “Yes,” the applicant, in addition to completing the online application, must for each such lawsuit or proceeding submit to the Department’s Producer Licensing Bureau:

- a. a written statement, with original signature, summarizing the details of the incident;
- b. a copy of the Petition, Complaint, or other document that commenced the lawsuit or arbitration; and
- c. a copy of any official document which demonstrates the resolution of the charges or any final judgment.

2. An applicant who is required to submit a copy of any document required pursuant to item (a)(11)(J)1.b. or (a)(11)(J)1.c. above but who does not have such a copy at his or her disposal must retain for his or her records copies of the correspondence the applicant sends to the court or other source of documents in order to obtain the copy of the document that is required pursuant to item (a)(11)(J)1.b. or (a)(11)(J)1.c. Failure to provide to the Department either copies of this correspondence, or the copies of the documents that are required pursuant to item (a)(11)(J)1.b. or (a)(11)(J)1.c. upon the Department’s request shall result in the applicant’s application being deemed incomplete and the suspension of the applicant’s authority to operate as a representative on a provisional basis. The online application will advise the applicant of the requirement that, unless and until the copies of the documents that are required pursuant to item (a)(11)(J)1.b. or (a)(11)(J)1.c. are in his or her possession, the applicant must retain copies of this correspondence and that the applicant may lose his or her provisional authority if he or she fails to furnish such copies upon request.

(K) Have you or any business in which you are or were an owner, partner, officer, or director ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct?

If the answer to the above question is “Yes,” the applicant, in addition to completing the online application, must for each such termination submit to the Department’s Producer Licensing Bureau:

1. a written statement, with original signature, summarizing the details of the incident and explaining why the applicant feels this incident should not prevent him or her from receiving a title marketing representative certificate of registration; and,
2. copies of any relevant documents.

(12) Applicant’s certification. The applicant must certify the under penalty of perjury that the applicant had read the online application, that the applicant knows the contents of the information he or she has provided on the online application, and that each statement made on the online application is full, true and correct. The required certification includes language indicating that the applicant understands that pursuant to section 1738, and subdivision (h) of section 1668, of the Insurance Code, any false statement made on the application or any document filed in support thereof may subject the applicant’s application to denial and may subject the applicant’s certificate to suspension or revocation. Further, pursuant to Section 1703 and 1733 of the Insurance Code, the applicant authorizes disclosure to the Insurance Commissioner of all financial institution

records of any fiduciary accounts for the duration of the period during which the applicant is authorized to operate as a representative.

(b) The applicant shall complete the applicant's portion of the Department's Live Scan request form to be provided to a Live Scan vendor as specified in Section 2194.54. The applicant must provide the following information on the Live Scan request form:

- (1) Full legal name;
- (2) Any former names or aliases;
- (3)(A) Date of birth,
- (B) Gender,
- (C) Height,
- (D) Weight,
- (E) Eye color
- (F) Hair color, and
- (G) Place of birth;
- (4) Social security number;
- (5) Driver's license number;
- (6) Daytime telephone number; and
- (7) Residence address.

(c) Companies shall use the Department's online business entity services to provide the notice of employment, and the notice of termination, of a representative as required by subdivision (f) of section 12418.1 of the Insurance Code. The Department's online business entity services are accessible via the Department's website: [www.insurance.ca.gov](http://www.insurance.ca.gov).

(1) A company must register to use the Department's online business entity services by specifying the following information:

(A) The company's National Association of Insurance Commissioners number or the company's California identification number;

(B) The company's Federal Employer Identification Number (FEIN);

(C) The contact information of a contact person designated by the company, as follows:

1. the name of the contact person,
2. the title of the contact person,
3. the telephone number of the contact person, and
4. the email address of the contact person;

(2) The company's designated contact person must specify:

(A) a username selected by the contact person,

(B) a password known only to the contact person, and

(C) for security purposes, a security question and an answer to that security question that are known only to the contact person.

NOTE: Authority cited: Sections 12404, 12418, 12418.1, 12418.2, 12418.3, 12418.4, Insurance Code; *CalFarm Ins. Co. v. Deukmejian*, 48 Cal.3d 805 (1989); *20th Century Ins. Co. v. Garamendi*, 8 Cal. 4th 216 (1994). Reference: Sections 12404, 12418, 12418.1, 12418.2, 12418.3, 12418.4, Insurance Code.